

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

ESTATE OF AMELIA H. MACIAS,
WALTER MACIAS, STEVEN MACIAS,
YVONNE SHILLING, INDIVIDUALLY
AND AS A REPRESENTATIVE OF THE
ESTATE OF AMELIA H. MACIAS;

Plaintiffs,

vs.

TEXAS DEPARTMENT OF PUBLIC
SAFETY, VERONICA GIDEON, TEXAS
DPS OFFICER, INDIVIDUALLY; ELIAS
ESCALON, TEXAS DPS OFFICER,
INDIVIDUALLY; NATHAN MUTZ,
TEXAS DPS OFFICER,
INDIVIDUALLY; DREW PILKINGTON,
TEXAS DPS OFFICER,
INDIVIDUALLY; TEXAS
DEPARTMENT OF ADULT
PROTECTIVE SERVICES, BRANDI
WEIMER, ADULT PROTECTIVE
SERVICES AGENT, INDIVIDUALLY;
HENRY L. WHITMANJR.,
COMMISSIOER OF ADULT
PROTECTIVE SERVICES; JOSEPH
EVANS, TEXAS DPS OFFICER,
INDIVIDUALLY; JASON BOBO,
TEXAS DPS OFFICER,
INDIVIDUALLY; BRENT BARINA,
TEXAS DPS OFFICER,
INDIVIDUALLY; CHAD MATLOCK,
TEXAS DPS OFFICER; CODY
MITCHELL, TEXAS DPS OFFICER,
INDIVIDUALLY; MICHAEL J. SMITH,
TEXAS DPS OFFICER; STEVEN
MCCRAW, DIRECTOR OF TEXAS
DEPARTMENT OF PUBLIC SAFETY;
CRYSTALYNN NICHOLE CORNEVIN,
ADULT PROTECTIVE SERVICES
AGENT; AND STATE OF TEXAS,

Defendants.

SA-20-CV-00460-FB

ORDER

Before the Court is the above-styled cause of action, which was referred to the undersigned for all pretrial proceedings on April 22, 2020 [#6]. On this day, the Court held a telephonic status conference, at which Plaintiffs and all served Defendants appeared through counsel. At the conference, the Court discussed the various pending motions with the parties and issued certain oral rulings, which it now memorializes with the following written orders.

IT IS HEREBY ORDERED that Defendants Adult Protective Services, Henry L. Whitman, and Brandi Weimers' Motion to Dismiss Plaintiffs' Original Petition Pursuant to Federal Rule of Civil Procedure 12(b)(1) and 12(b)(6) [#4] is **DISMISSED AS MOOT** in light of the filing of Plaintiffs' Amended Complaint.

IT IS FURTHER ORDERED that Defendants' Joint Motion to Stay Pretrial Proceedings Pending Ruling on Motion to Dismiss is **GRANTED** until further order of the Court. The parties' obligation to hold their Rule 26(f) conference and file their Rule 26(f) report and proposed scheduling recommendations is **STAYED** until after the undersigned has issued a report and recommendation on Defendants' pending motions to dismiss [#9, #10, #11, #12] and has ordered that the stay is lifted.

IT IS FURTHER ORDERED that on or before **July 1, 2020** Plaintiffs file a Second Amended Complaint, which addresses the following:

- The status of Plaintiffs vis-à-vis Amelia Macias's estate;
- The entity Defendants against which Plaintiffs intend to proceed (State of Texas, Texas Department of Public Safety, Texas Department of Family Protective Services, and Adult Protective Services);
- The individual Defendants (served and unserved) remaining in this case and whether Kezeli Wold is a Defendant in this action.

IT IS FINALLY ORDERED that Plaintiffs effectuate service on any newly named unserved Defendants within 90 days of the filing of Plaintiff's amended pleading pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. Any previously named yet unserved Defendant must be served within 14 days of the filing of Plaintiff's amended pleading.

SIGNED this 24th day of June, 2020.



ELIZABETH S. ("BETSY") CHESTNEY
UNITED STATES MAGISTRATE JUDGE